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March 19, 2024

VIA ECF

Honorable J. Paul Oetken
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Robert Murray, as Leviticus Lucifer v. C.O. John Doe, et al.,
22 Civ. 638 (JPO) (GS)

Your Honor:

I am an Assistant Corporation Counsel in the office of the Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York and the attorney assigned to the above-referenced matter. For the reasons set forth below, defendants City of New York, Louis Guglielmetti, William Pratt, Andy McMillan, Manuel Aldir, Kaseem Martin, and Courtney Rogers (“Defendants”) write to respectfully request a stay of this matter. This is the first request of this kind and due to Plaintiff’s incarceration status and transfer, Defendants were unable to ascertain his position regarding this request prior to the submission of this letter.

As Your Honor may recall, the undersigned is handling the defense of four matters brought by Plaintiff¹ and is currently in the process of assessing all of those cases for a potential global settlement. To the extent the parties are unable to resolve the matters, Defendants intend to file a motion for summary judgement in the instant matter.

With respect to Plaintiff’s matter filed under civil docket number 22-CV-973, which is also pending before Your Honor, on February 21, 2024, defendants requested a stay in that case because our Office had been recently informed by the New York City Department of Correction (“DOC”) that Plaintiff was transferred from City correctional custody to a New York

¹ The undersigned is assigned the following Plaintiff’s matters currently pending in the Southern District of New York: 22-cv-638; 22-cv-973; 21-cv-6718; and 22-cv-226.

State hospital for medical treatment, and therefore, he was not going to be available to confer and move forward in litigating this case while there.² In response to defendants' request, on March 1, 2024, Your Honor granted a stay of defendants' deadline to file their motion for summary judgment, and further ordered defendants to file a status update every thirty (30) days beginning on April 1, 2024, and to alert the Court when our Office learns of Plaintiff's ability to confer. See Civil Docket for Case #: 1:22-cv-00973 (JPO) (GS) at Docket Entry No. 49. For the same reasons, Defendants now respectfully request a stay of this matter, including the deadline for Defendants to file their motion for summary judgment, until such time that the parties have an opportunity to engage in settlement discussion. To the extent the Court is inclined to grant the instant request, Defendants respectfully submit that they can provide the Court with a status update every thirty (30) days beginning on April 1, 2024.

This Office thanks the Court for its time and attention to this matter.

Respectfully submitted,

/s/ Eun Jee (Esther) Kim

Eun Jee (Esther) Kim
Assistant Corporation Counsel
Special Federal Litigation Division

cc: **VIA FIRST-CLASS MAIL**

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Granted. This case is hereby STAYED pending the parties' settlement discussions. Defendants shall file a status update every thirty days beginning on April 1, 2024. The Clerk is directed to close ECF No. 58. So ordered.

March 20, 2024


J. PAUL OETKEN
United States District Judge

² Defendants respectfully note that Plaintiff has not filed a Change of Address in this instant matter 22-cv-638 as to his current location.